

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPH HAYDEN,

Plaintiff,

-v-

CITY OF NEW YORK, NYPD OFFICER  
AHMED ABDALLA, and NYPD OFFICER  
ADAM KOTOWSKI,

Defendants.

No. 17-cv-1894 (RJS)  
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a letter from Plaintiff, submitted with Defendants' consent, setting forth proposed dates for trial to begin in this case. IT IS HEREBY ORDERED THAT a jury trial in this matter shall commence on Tuesday, December 1, 2020 at 9:30 a.m. in Courtroom 11B of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York. In light of the passage of time and the appearance of additional counsel, IT IS FURTHER ORDERED THAT, by October 2, 2020, the parties shall jointly submit a revised Proposed Pretrial Order, if desired. Such Proposed Pretrial Order should include, in separately numbered paragraphs, the information required by Federal Rule of Civil Procedure 26(a)(3), as well as the following information:

- i. The full caption of the action;
- ii. The names, addresses (including firm names), and telephone and fax numbers of trial counsel;
- iii. A brief statement by Plaintiff as to the basis of subject-matter jurisdiction and a brief statement by Defendants as to the presence or absence of subject-matter

jurisdiction, each of which shall include citations to all authority relied on and relevant facts as to citizenship and jurisdictional amount;

- iv. A brief summary by each party of the claims and defenses that the party has asserted that remain to be tried – without recital of evidentiary matters but with citations to all statutes on which the party has relied – and of the claims and defenses that the party has previously asserted that are not to be tried;
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed;
- vi. A statement as to whether all parties have consented to a trial of the case by a magistrate judge (without identifying which party or parties have or have not so consented);
- vii. Any stipulations of fact or law that have been agreed upon by the parties;
- viii. A statement by each party as to the witnesses whose testimony is to be offered in the party's case-in-chief, indicating whether such witnesses will testify in person or by deposition;
- ix. A designation by each party of deposition testimony to be offered in the party's case-in-chief, with any cross-designations and objections by any other party;
- x. A list by each party of exhibits to be offered in the party's case-in-chief, with an indication as to whether any party objects to any such exhibits and a brief statement of the nature of the objection (e.g., "relevance," "authenticity," "hearsay"); and
- xi. A statement of whether the parties consent to less than a unanimous verdict.

IT IS FURTHER ORDERED THAT, by November 2, 2020, the parties shall file revised versions of the following submissions:

- i. Jointly proposed *voir dire* questions – a copy of which shall be emailed to chambers<sup>1</sup> in a Word version – which shall include the text of any requested question and should consist of a single document and note any areas of disagreement between the parties;
- ii. A jointly proposed verdict form – a copy of which shall be emailed to chambers in a Word version – which should consist of a single document and note any areas of disagreement between the parties;
- iii. Jointly proposed jury instructions – a copy of which shall be emailed to chambers in a Word version – which shall include the text of any requested instruction and a citation, if relevant, to the authority from which such instruction derives, and which should consist of a single document and note any areas of disagreement between the parties;

IT IS FURTHER ORDERED THAT, also by November 2, 2020, the parties shall file motions addressing any evidentiary or other issues that should be resolved *in limine*. In addition, if a party believes that it would be useful, it may file a pretrial memorandum, not to exceed 10 pages.

IT IS FURTHER ORDERED THAT, within one week of the filing of the above-mentioned submissions, any party may file the following documents:

- i. Oppositions to any motions *in limine*; and
- ii. Oppositions to any legal arguments set forth in a pretrial memorandum.

Finally, IT IS FURTHER ORDERED THAT the final pretrial conference shall occur on Friday, November 20, 2020 at 4:00 p.m. in Courtroom 11B of the Daniel Patrick Moynihan United

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<sup>1</sup> Chambers may be contacted by email at: ca02\_rjschambers@ca2.uscourts.gov

States Courthouse, 500 Pearl Street, New York, New York, at which time the Court will resolve outstanding motions in limine and discuss the Court's expectations for the trial, which, as ordered above, will commence on the morning of December 1, 2020.

SO ORDERED.

Dated: June 24, 2020  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation